

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1786 – SB 2088

March 24, 2014

SUMMARY OF ORIGINAL BILL: Requires the Department and Labor and Workforce Development (DLWD), the Division of Workers' Compensation (DWC), upon receiving a claim for workers' compensation totaling less than \$5,000 from an unrepresented person, to refer such unrepresented person to the ombudsman. Requires the ombudsman to assist and advise the unrepresented person, except for legal advice. Establishes several new authorities for the ombudsman related to assistance to any unrepresented person. Prohibits the ombudsman from testifying in any workers' compensation proceeding. Modifies procedure for appointing new individuals to the workers' compensation appeals board when replacements are required such that the Speaker of the Senate appoints the first vacancy, the Speaker of the House of Representatives appoints the second vacancy, and the Governor appoints the third vacancy, and thereafter, the authority for appointing members will rotate among the Speakers and Governor.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015131): Deletes all language after the enacting clause. Expands the scope of work for the workers' compensation ombudsman by requiring the ombudsman to assist and advise any party not represented by legal counsel. Modifies the procedure for appointing new individuals to the workers' compensation appeals board when replacements are required such that the Governor, in consultation with the Speaker of the House and the Speaker of the Senate, shall appoint three judges to the appeals board. Removes language referencing term lengths and vacancies.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on the information provided by the Division of Workers Compensation, any fiscal impact to the Division or the Department of Labor and Workforce Development is considered not significant.
- According to the Division of Workers Compensation, the amendment will not change the fiscal impact estimated for the original note.

IMPACT TO COMMERCE WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumption for the bill as amended:

- Expanding the scope of work for the workers' compensation ombudsman and changing the method by which persons are appointed to the workers' compensation appeals board is not expected to impact commerce or the number of Tennessee jobs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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